

# 2002 Legislative Summary

45th Legislature  
2nd Regular Session

June 24, 2002

## Highlights:

- The budget passed with little damage to Human Services
- The service fees bill passed, allowing AZ to continue to receive \$6.5 million a year from VAWA
- Policy issues met a lot of resistance, especially in the House this session

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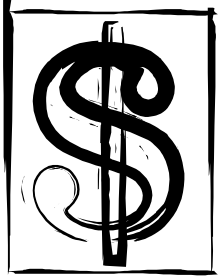
## Budget Blues 2002

The Arizona Legislature has experienced two budget-cutting extravaganzas in the last eight months. The first took place during a special session called last November in which Legislators were faced with balancing the Fiscal Year (FY) 2002 budget. Close to \$950 million had to be cut! The Republican controlled House vowed not to raise taxes, while the Democratic minority called for an elimination of egregious tax exemptions. In response to the overwhelming cuts that had to be made, human service organizations from across the state came together to form the Protecting Arizona's Family Coalition. This diverse group of over 80 human and social service organizations created a daily presence at the Legislature throughout the entire special session. Due to the strong advocacy efforts of this historical group, human services experienced minimal cuts to their programs, domestic violence included. The legislature merely swapped \$250,000 of state general fund money for Temporary Assistance to Needy Families money to pay for emergency shelter services.

Legislators decided to wait until near the

end of the Second Regular Session to begin working on eliminating \$950 million from the FY 2003 budget. House Appropriations Chairwoman Laura Knaperek (R-27) and Senate Appropriations Chairwoman Ruth Solomon (D-14) put a proposal on the table, as did Senator Ken Bennett (R-1). Everyone knew the solution lay somewhere in the middle (but hopefully not too much in the middle)! The Knaperek/Solomon plan definitely had the bi-partisan support it needed to pass once a few contentious issues were resolved, including the elimination of state funding for Community Information and Referral. At the last minute, funding for this important program was spared. Also, funding for the State Board of Community Colleges and the Heritage Fund were restored,

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page 2...*



Over the last several months, the focus has been solely on the budget.

## SB 1394, The Little Bill that Could

This session, the most important domestic violence bill that needed to pass was Senate Bill 1394. The bill was created to keep Arizona in compliance with the Federal Violence Against Women Act (VAWA), by eliminating service fees for Orders of Protection (OP's) and Injunctions Against Harassment (IAH's) issued for dating relationships. Each year Arizona receives about \$6.5 million from VAWA, which is almost half of our funding! Sounds like an easy bill to pass, right? Wrong!

The bill sailed through the Senate and was sent to the House. Since it didn't appear that the bill had any problems, it was decided that it would be amended onto a related domestic violence bill, SB 1050, which made several technical corrections to the domestic violence and OP statutes. SB 1050 was assigned to House Human Services. Some of the members of this committee feel that there is an abuse of OP's. Therefore, they killed the bill, regardless of the price tag! Something had to be done to save this crucial funding. *Cont. on top of page 2...*

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Roberta Voss (R-19), Chair of the House Judiciary Committee, was notified as to what had happened, and she agreed to help. SB 1394, the original vehicle for this bill, was scheduled in her committee that afternoon, but a strike-everything amendment was being offered on it. The amendment was extremely controversial and the bill failed! Things now were looking really bad! All of a sudden there was a motion to reconsider the underlying bill, and the motion passed. The bill ended up passing the House Judiciary Committee by a vote of 10-0!

Just when things were looking up, it was time for Committee of the Whole (COW) in the House. During COW, the bill was amended by Rep. John Loredó (D-22) adding a portion of SB 1050 codifying when modified OP's and IAH's go into effect. Rep. Linda Binder (R-1) also introduced a floor amendment to the bill. It stated that court documents could not be served in a hospital without the permission of the patient's physician and the hospital chief of staff. In an attempt to kill the amendment, members brought to everyone's attention that Binder's husband had been served while he was in the hospital with a malpractice suit. The amendment passed a vote of the members because they were upset the debate was made personal. Although people

voted for the amendment to show support for Binder, a lot of people did not like it! Therefore, the bill barely passed Third Ready by a vote of 31-22!

The bill was transmitted back to the Senate and was assigned to a Conference Committee. During the hearing, Binder's amendment was removed from the bill, and an amendment was added that says that a petition for an OP must indicate whether there is a maternity or paternity case pending. The bill then passed the Senate unopposed and went back to the House for a Final Vote. When it was time to vote on the bill, House Speaker Jim Weiers (R-16) mentioned that he did not like the bill; it died 26-23, with 11 members not voting (it needed 31 votes to pass). After numerous calls and e-mails, members realized their mistake and brought the bill back up for reconsideration the next day. Thankfully, Speaker Weiers and Appropriations Chairwoman Knaperek apologized for leading people to believe it was a bad bill, and it passed 48-8! The Governor signed the bill on May 30th, and it goes into effect on August 22nd! After all this, it is no wonder that people in the community have referred to this bill as "the little bill that could"!

## SB 1430, Victims' Rights, No Such Luck

In Legislative Session 2001 a bill was passed giving victims of crime the right to leave work to attend criminal court proceedings and counseling related to that crime without the threat of negative consequences from their employer. Many times advocates hear from victims that they need to be able to take time off from work to attend hearings for an Order of Protection. If an employer refuses to allow a victim to take time off from work to attend an Order of Protection hearing, it may be placing the victim in jeopardy by not allowing him/her to ensure his/her protection. Being that

an Order of Protection is not a criminal proceeding, those victims were not covered under this legislation.

SB 1430 was created to include hearings for Orders of Protection. This change would have been a minimal impact to employer. Obtaining an Order of Protection is not an everyday phenomenon, not to mention that the statute only said that employers with 50 or more employees would have to comply with the public policy. Furthermore, the employer was not required to compensate an employee for the time *Cont. on page 3...*

*This session left little to celebrate, but at least they weren't successful at passing any damaging legislation!*

## Budget Blues Continued...

*From page 1...*

making many moderate Republicans and Democrats happy. The budget bills passed with heavy bi-partisan support, with members from both parties voting yes and no. However, due to several accounting gimmicks, such as a rollover of payments for Education and Lease-to-Own School Construction, the Joint Legislative Budget Committee and the Governor's Office are already anticipating a shortfall of \$550 million in FY 2004.

Needless to say this budget year was very hectic! While domestic violence services were extremely fortunate to not experience any cuts from the Legislature, emergency shelter programs are bracing for an across the board cut of 4.4% to their budgets. This is due to the loss of one-time funds that are no longer available. In addition, many programs have had funding reductions due to lower than expected revenues from fundraisers and other losses. Overall, however, shelters and programs are going to fare better than we had



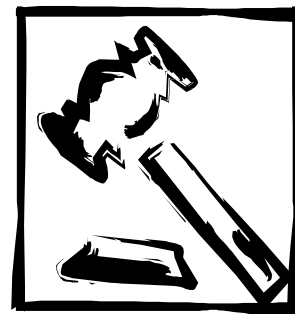
Arizona will continue to see budget problems unless money starts growing on trees (or other revenue options are explored)!

## SB 1172, Unwanted Privileges

SB 1172 would have allowed conversations between an advocate and a victim of domestic violence to be privileged. Due to the sensitive nature of information that a victim shares with her advocate, it makes sense that this information should be kept confidential. Depending upon the type of funding a shelter or program receives and the status of the criminal case, a mish-mash of state and federal laws currently govern confidentiality.

At first, we did not believe that there would be any opposition to this bill. Prosecutors and defense attorneys made it seem that it was not going to affect them too much. However, once the bill starting moving through the process, the county attorneys feared that this legislation would impede their ability to fully prosecute these cases. In states where similar legislation has been enacted, successful prosecutions have actually increased due to victims' increased willingness to

cooperate with prosecutors. But, unfortunately, there was no changing their minds. While the bill passed out of the Senate with the privilege applying to both criminal and civil proceedings, it was apparent that it would not get out of the House in the same form. We finally had to concede to the request that the privilege not apply to criminal proceedings. However, the fight still was not over. While the bill was held up in committee, a floor amendment was offered to the criminal omnibus bill. After a short debate where some members feared giving such a broad (even though it was limited) privilege to individuals who received only 56 HOURS of training, the amendment failed 18-24 (that's right, there were 18 members not present, most of them our supporters). And that was the end of that.



## It Could Have Been Worse

There were several bills that were introduced this session that were successfully killed thanks to the strong advocacy efforts of the alert network!

The most detrimental bill was HB 2472, introduced by Rep. Russell Pearce (R-29). This bill stated that victims would be charged with allegedly "inviting" the defendant to violate the order. In addition, it removed a victim's ability to have an ex parte hearing, where the abuser does not have to

be present, when petitioning for an OP. Therefore, a person would have to face their abuser in court in order to gain protection. Thankfully, this bill went nowhere. After many repeated attempts, the bill failed to move through the process.

Also, there were several domestic relations bills that would have been dangerous for victims and their children, but we were successful in killing these bills. Thank you to everyone who participated in and re-

*"Thank you to everyone who participated in and responded to the legislative alerts! It made ALL the difference!!"*

## SB1430: So uncontroversial, still not liked!

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they would have missed from work. The employer would have been able to elect to use or require the employee to use accrued paid vacation, personal leave or sick leave. Finally, if the employee's leave were to create an undue hardship to the employer, the employer did not have to abide by the statute.

There was no opposition to the bill, not even from the business community, and the bill passed out of the Senate 29-0. The bill was assigned to House Commerce and Economic Development,

but it was never scheduled on an agenda, and therefore it died. The only other option was to amend the bill onto another bill.

The contents of SB 1430 were successfully amended onto the criminal omnibus bill. Unfortunately (yet again), a lot of bills were amended onto the criminal omnibus bill, and members were uncomfortable with the fact that the bill had become "a Christmas tree bill". Speaker Weiers did not schedule Third Read of this bill until 5 p.m. on a Tuesday evening, after most of its supporters had left for the day. The bill died 28-17; it needed 31 votes to pass.



People still might have trouble leaving work to get an OP.

## Arizona Coalition Against Domestic Violence

100 W. Camelback, Suite 109  
Phoenix, AZ 85013

Phone: 602-279-2900  
Fax: 602-279-2980  
Email: [acadv@azcadv.org](mailto:acadv@azcadv.org)

Coming next session!  
[www.azcadv.org](http://www.azcadv.org)

*Safety, Health and Justice  
for Abused Women in*



## Systems Advocacy at ACADV

Through our systems advocacy efforts, the Arizona Coalition Against Domestic Violence advocates for systemic change to more adequately address the needs of battered women in Arizona. Generally, we monitor policies, procedures and practices impacting domestic violence victims and service providers; advocate for systems level changes needed to more appropriately address domestic violence issues; and provide information and education as needed to improve the institutional response to domestic violence. Advocating for systemic change is a fundamental means to fulfilling the agency's mission. Public policy activities include:

### Legislative Advocacy

- Monitor state and federal legislation impacting victims of domestic violence
- Advocate for legislation to make Arizona a safer place for victims of domestic violence based on recommendations from our member organizations, an annual Legislative Survey provided to our membership, and the Legislative Committee
- Maintain a grassroots legislative alert network of volunteers willing to work to get the message to our legislators that domestic violence is an issue that must be taken seriously
- Inform the Legislative Alert Network about the legislative process through annual regional Lobbying Training and legislative alerts and updates

### Arizona Courtwatch

- Recruit and train volunteers to monitor and evaluate the judicial system's response to victims of domestic violence
- Compile data regarding judicial compliance with the Committee on the Impact of Domestic Violence and the Courts' Benchbook
- Based on the data collected, make recommendations for improvements to the Arizona State Supreme Court and the Administrative Offices of the Court

### Community Committees

- Work to improve policies and practices related to domestic violence and to encourage coordinated community response to the issue by participating in various community committees related to criminal, civil, and domestic relations courts; welfare and social services; full faith and credit; and law enforcement

### Fatality Review Team

- Track and maintain records of all domestic violence related deaths in Arizona
- Research and develop a state-wide fatality review team to identify systemic breakdowns and develop preventative policies and measures
- Encourage collaboration between agencies involved in

## **BILLS SIGNED BY THE GOVERNOR**

- SB1020: interstate adoption placements: Hartley: It repeals 8-114.01 which requires that an adoption agency or attorney provide proof of all payments, disbursements or commitments of anything of value made or agreed to be made by the prospective adoptive parent to or for the benefit of the birth parent in connection with the adoption.
- SB1022: investigation; notification: Hartley: Currently CPS notifies the perpetrator that they have substantiated an allegation of abuse. The alleged perpetrator has a right to a copy and to a hearing to dispute it. This bill requires that CPS shall notify the parent of a child that a child abuse allegation has been substantiated. But the notification occurs after the time for the hearing to contest has passed and there has been no contest or after an administrative law judge has substantiated the charges.
- SB1037: board of dental examiners; fees NOW: Arizona works; program extension: Similar to HB 2515. It eliminates the AZ Works program, but privatizes the overall JOBS program
- SB1028: support; conforming changes: Petersen, Hershberger: Currently maintenance or support payments may not be modified except for a continuing and substantial change of circumstances. The addition of or change in health insurance coverage can be a continuing and substantial change in circumstance.
- SB1029: child support; termination; condition NOW: Sentencing commission; purposes: Petersen, Hershberger: Now, it establishes a sentencing commission to review Arizona's existing sentencing structure and make recommendations for improving the structure to the governor, legislature, and the supreme court by December 31, 2003.
- SB1088: child support; domestic relations committees: Hartley: Repeals the current two committees and reestablishes them. The difference in the child support committee is that the one committee had to coordinate and review other plans and the new one doesn't but has to report by Dec. 31. The old committees had to meet together quarterly and the new ones don't. In the domestic relations committee, changes are in who appoints the members. Currently it is the co-chairs. The bill outlines responsibility to Senate President, House speaker, Supreme Court, and Governor. It adds members of law enforcement and children's rights and decreases the number of legislators from 3 senators and representatives to two. It was amended to include three bills that had previously died. They were SB 1021, dealing with child custody and military deployment; SB 1023, establishing the spousal maintenance enforcement fund; and SB 1082, stating that availability of health insurance must be taken into consideration when determining spousal maintenance.
- SB1109: juvenile offenders; prevention: Smith: Defines prevention as conditions, opportunities and experiences that encourage and develop health, self-sufficient children and that occur before the onset of problems. Statute has no definition of prevention now.
- SB1113: Indian Nations; tribes; legislative day: Cirillo: Proposes an Indian nation and Tribes Legislative Day.
- SB1152: confidential information: Gerard: Allows law enforcement and the county medical examiners to access confidential medical records involving the developmentally disabled obtained by DHS and DES.
- SB1202: Sex offenses, violent crimes: Martin, Bee: Prohibits a person in custody from receiving bail if the proof is evident or the presumption is great that the person is guilty of sexual assault, sexual conduct with a minor under fifteen years of age, or child molestation. It also requires a judicial officer to impose specified conditions, including electronic monitoring and prohibition of contact with the victim, on the pre-trial release of a defendant charged with a sexual offense. It was amended to establish a committee to study sex offenders and the criminal justice response to them.
- SB1214: guilty except insane; Gerard: "Escape" applies to mental hospital escapes; the court retains jurisdiction over all that is not delegated to the psychiatric security review board. If the psychiatric security review board finds that the person no longer suffers from a mental defect or disease, they submit the issue to the superior court, which can release the person or return them to the prison or the least restrictive alternative. The court must put the public safety as primary and the applicant has the burden of proof by clear and convincing evidence that the placement is proper.
- SB1287: adoption: Daniels: Prescribes the form for potential father notification of adoption, act of intercourse is deemed to be notice of pregnancy.
- SB1394: service fees; protection orders: Hamilton: Prohibits charging for service of orders of protection. This change is required by VAWA in order to retain funding. A portion of SB 1050 was added dealing with when modified Orders and IAHs go into effect. Also, an amendment was added that says a petition for an Order of Protection must indicate whether there is a maternity or paternity case pending.
- HB2011: Infant death; continuation: Huppenthal, Miranda, Cannell, Hanson: Continues the sudden infant death advisory council
- HB2095: DES; child support enforcement: Hershberger, et al: If payments are made for more than one child and one child is in foster care, the state must divide the amount paid according to the placement of the children. For a person on public assistance, it requires the State to divide the amount of child support received so that support received for a child on assistance goes to the State but support received for a child not on assistance goes to the custodial parent. The bill establishes a procedure to contest the distribution of payments.
- HB2118: Retirement Benefits for Elected Officials: Blendu et al: Surviving spouse share of an elected officials benefit is increased from three-fourths to four-fifths. A member who was employed before Sept 15, 1989 and who retires on or after

Nov. 1, 2001 is entitled to receive a tax equity benefit allowance of 2% of the base benefit retroactive to the day of retirement.

- HB2234: contraceptive coverage: Binder, Weason et al: If a policy covers viagra, it must cover contraceptives.
- HB2283: municipal prosecution; diversion: Marsh: Allows the prosecutor to establish a diversion program that provides for dismissal of a complaint (already available in DV convictions). But it does not allow diversion for a person accused of a crime involving a weapon or dangerous instrument or a person who has previously completed a diversion program for the same or similar offense. DV offenders are now allowed to repeat the domestic violence treatment programs multiple times.
- HB2396: charitable solicitors NOW: solicitations; charitable organizations: Anderson, Pierce, Burns: requires charitable solicitors to register with the state, and any organization using a contracted fundraiser must hire on who is registered with the state, must have a contract, the fundraiser must file information with the state before and after a solicitation, requires a fundraiser to give certain information before starting a pitch.
- HB2540: private investigators: Gray et al: Person cannot get an agency license or be an employee if they have been convicted of domestic violence or something like it.
- HB2610: boot camps: Gullett et al: Defines youth boot camps as a child welfare agency which puts them under the supervision of DES. Defines “restrictive behavior management”.

### **BILLS SIGNED BY THE SECRETARY OF STATE**

- SCR1011: Bailable offenses: Martin Bee, Jarrett: Amends the constitution to say that persons charged with felonies involving sexual assault, sexual conduct with or molestation of a minor under 15 would not be able to be bailed out and those who commit violent crimes prescribed by law could not be bailed out if that person poses substantial danger to any other person, if no conditions of release would assure the safety of the other person and if proof is evident or great as to the present charge. This constitutional change must be approved by the voters.
- HCM 2002: urban Indian Health: Gullett, et al: Indicates to Congress Arizona’s support of the reauthorization of the Indian Health Care Improvement Act.
- HCR 2013: Lieutenant governor NOW: probation; drug crimes: Allen: Now, it adds drug paraphernalia as a crime of possession. Also, says that probation may be revoked if you do not enroll in a drug treatment program. This legislation must be approved by the voters.

### **BILLS THAT FAILED**

- SB1004: Arizona State Retirement System: spousal consent: Smith, Cirillo: The member must have the consent of the current spouse to name or change the beneficiary to anyone other than the spouse, rescinds certain provisions, or elects certain provisions. A retirement application must contain the signature of the current spouse that they agree to the election the member is making, with certain exceptions if that is not possible due to absence, health etc.
- SB1017: Health care providers; defaulted loans: Cirillo: States it is unprofessional conduct for a licensed health care provider to default on school loans and the disciplinary board can revoke the person’s license.
- SB1018: Credit reports; copies to consumer NOW: insurance underwriting; credit histories: Cirillo: makes changes to the requirement of consumer credit agencies and those using its services to obtain reports. If a consumer provides adequate identification, the report will be released. For battered women in hiding, this can be a safety problem if she has joint debts with her perpetrator.
- SB1021: Child custody; military deployment: Hartley: If the custodial parent is in the military and deployed, the court shall not assume that transfer of custody to the noncustodial parent is in the best interest, but shall look at the custodial parent’s family care plan. It was amended onto SB1088, which was signed by the Governor!
- SB1023: spousal maintenance; enforcement: Hartley: Establishes a surcharge of \$5 for divorce filings to create a maintenance enforcement fund. Allows suspension of driver, professional, occupational or recreational license of an obligor late more than 2 months. A clerk of court can assist a person to collect spousal maintenance. The case has priority over all other cases except child support enforcement. Creates a three year statute of limitations to file for arrears and a judgment is good forever. It was amended onto SB1088, which was signed by the Governor!
- SB1046: Sexual Assault; voyeurism: Richardson, Voss: The bill deletes the language making sexual assault a class 6 felony and giving the judge discretion to drop charges to a misdemeanor and increases the penalty to a Class 2 felony. The bill also changes the defense to sexual abuse, sexual conduct with a minor, and sexual assault that the perpetrator was married to the victim unless they were cohabitating at the time of the offense. It makes intentionally viewing another person without their consent in the act of dressing, sexual conduct, or bathroom activities in a place where privacy would be expected a class 5 felony. Law enforcement is exempted if viewing is posted, if it is in connection with a security purpose or a person’s misconduct, or a lawful investigation.
- SB1047: Vulnerable or incapacitated adults: Richardson, Voss: Creates a category of “dangerous crime against an incapacitated or vulnerable adult” similar to that against children which, if convicted, would prohibit release from incarceration until the sentence is served in full.

- SB1050: domestic violence; protection orders: Voss, Richardson: Makes technical corrections to language, removes the provision that requires changes or a modification of an injunction against harassment to be registered with the sheriff within 24 hours (this portion was amended onto SB 1394, which was signed by the Governor). It revises 13-711 regarding offenses toward pregnant victims to state that if a perpetrator committed a domestic violence misdemeanor and the victim was pregnant, the court shall take into consideration the pregnancy and may increase the sentence. If the crime was a domestic violence felony or another felony that caused physical injury, the court shall increase the maximum sentence by up to two years. It removes the latter section from 13-3601 where it was put last year. It requires that on a petition for order of protection, the petitioner state whether there is an action for maternity or paternity as well as other pending family law type actions.
- SB1068: child welfare; boot camps: Cummiskey, Petersen: Defines youth boot camps as a child welfare agency which puts them under the supervision of DES. Defines "restrictive behavior management".
- SB1072: early emancipation of minors: Daniels: In a juvenile court proceeding involving a child 16 or older, the court could order emancipation.
- SB1074: teacher protection act: Daniels: Grants immunity for schools and teachers for several things, punishes people for making false reports of criminal activity against a school employee, and makes school not liable for punitive or exemplary damages as well as employees not liable unless they act with specific intent to cause harm to a pupil. It also has a penalty for frivolous action and limits attorney fees.
- SB1076: private investigator personal information: Daniels: Person cannot get an agency license or be an employee if they have been convicted of domestic violence or something like it. See also HB 2540.
- SB1078: charitable solicitations: Burns, Martin, Anderson: Regulates contracted fundraisers and requires that during solicitation the contracted fundraiser must disclose they are being paid and for what charitable organization they are raising funds.
- SB1082: spousal maintenance; health insurance: Hartley: Includes the cost of health insurance into one of the factors for determining the amount of spousal maintenance. It was amended onto SB1088, which was signed by the Governor!
- SB1089: TANF; child eligibility requirements: Hartley, Solomon, et al: Allows more children to be eligible for TANF and removes the bar for a child born when a parent is receiving benefits, when a parent is ineligible, and gaps in withdrawal and reapplication periods.
- SB1090: personal sick leave, family purposes: Hartley, Lored, et al: Allows an employee to take sick leave to attend to an illness of a child, parent or spouse without penalty.
- SB1092: ineligible children; child support: Hartley, et al: Child support rights shall not be assigned to the state when the child is not eligible for TANF. The child support received shall be divided out by child and not assigned to the State.
- SB1100: health care coverage; contraceptive coverage: Yrun, et al: If insurance covers prescription drugs, outpatient coverage, experimental or investigation procedures, it shall cover contraception in the same manner.
- SB1119: welfare benefits; food stamp eligibility: Hartley: Allows a person who has been convicted of a felony 4, 5, or 6 related to drugs to receive cash assistance or food stamps two years post-conviction or if they are in a drug rehab program.
- SB1124: judicial productivity: Jarrett, et al: Increases standards for JP's, must be 30, 60 hours of college, or a law enforcement officer and 45 hours, must attend a JP orientation before filing to run for office. Increases the requirement for judicial productivity credits (more credits means more pay).
- SB1127: school safety grants: Bundgaard: If there are two or more documented acts of violence at a school, any pupil can transfer to another school and get a voucher to do so.
- SB1128: instant background checks; gun show: Mitchell, Hartley: Must do instant background checks at gun shows.
- SB1138: homelessness: Hartley: Extends the joint legislative committee to study and report on homelessness.
- SB1130: military deployment, child custody: Cirillo: Military deployment is not a substantial change of circumstances if the custodial parent has filed a family care plan with the court at a previous custody proceeding.
- SB1140: sexual conduct with a minor: Richardson, Voss: Increases the age by one year, so that sexual conduct with a minor under 16 is a class 2 felony. Statute now says that sexual conduct with a minor under 15 is a class 2. Now 15 and over is a class 6. That would change to 16 and over is a class 6.
- SB1141: crimes, assault: Richardson: adds that if the victim has an OP from another jurisdiction, and the perpetrator commits assault, it is aggravated assault. This bill is now a criminal omnibus bill that does several other things to the criminal code.
- SB1155: pregnancy associated mortality review: Gerard, Hershberger: Establishes a pregnancy associated mortality review committee, requires review of all deaths of women while pregnant or who had an abortion within a year prior to death.
- SB1171: children's bill of rights: Solomon: States the rights each child in the state of Arizona should be afforded, including the right to be "free from physical, sexual or mental abuse."
- SB1172: domestic violence shelter; confidential communications: Solomon, Bee: Makes confidential the communication between a victim and an advocate.
- SB1174: misconduct involving weapons: Solomon: Companion bill to HB 2157.
- SB1176: security guards, private investigators: Hamilton: Person cannot get an agency license or be an employee if they have been convicted of domestic violence or something like it. See also HB 2540.
- SB1195: family importance, state policy: Smith: Declares public policy that says that parents have the primary responsibility

for care of children including basic needs, medical and educational needs. Requires that if a child comes into the system, the child must be treated in the context of the entire family and the family must cooperate with the court.

- SB1200: victims of trafficking; Richardson, Yrun, Aguirre: Establishes a task force on trafficking composed of AG, DHS, Industrial commission and Criminal Justice commission. Has no service providers or victims' agencies on it.
- SB1208: unemployment benefits; Cirillo: Increases eligibility for and amount of benefits.
- SB1219: domestic violence prevention; Solomon: CPS must develop procedures for screening, referring, communication, and training about child welfare and domestic violence.
- SB1263: death sentence, competency; Gerard, Hartley, Solomon: Prohibits the death penalty for persons who are incompetent to understand that they are to be executed or why. If found incompetent to be executed, they are not eligible for any type of release.
- SB1278: equal wages; Richardson, Lopez, Arzberger et al: Establishes an equal pay study committee.
- SB1280: unemployment insurance, waiting period; Cirillo: If a person has to attend mandatory training to remain employed but is not paid for the training time, the person is eligible for unemployment up to six such weeks a year.
- SB1301: taxation of unemployment benefits; Aguirre, Rios, Avelar, May, Norris, Loredó et al: Unemployment compensation would no longer be subject to state income tax.
- SB1315: agricultural property; Bundgaard; Blendu: reduces the rate of taxation on agricultural property in a time of budget cuts.
- SB1319: court ordered spousal support; Hartley: willful failure to pay spousal maintenance is a class one misdemeanor.
- SB1334: sexual assault; Yrun, Hartley et al: specifies what services must be given a sexual assault victim including STD's and emergency contraception.
- SB1380: pregnant employees; Solomon, Hartley et al: requires cities and counties to make reasonable accommodations for pregnant employees including law enforcement officers.
- SB1388: child visitation; Peterson: violation of visitation can result in a citation and fine.
- SB1390: first offense sentencing; Peterson: the sentence for a first felony offense may be reduced if the mandatory minimum would be excessive and the prosecutor and victim agree that it's in the best interest of all.
- SB1430: victims rights, order of protection; Hamilton, Peterson: Modifies the right to leave work section passed last year to attempt to allow victims to get orders of protection.
- SB1433: parental alienation syndrome, custody, prohibition; Hamilton; Peterson: Prohibits use of parental alienation syndrome unless it is recognized by the AMA or APA.
- SB1435: court appointed evaluators; limited immunity; Hamilton, Petersen: Changes 25-406 regarding investigations and reports in custody cases by giving limited immunity to the evaluator so long as they do not lie, commit criminal acts or act contrary to the court order.
- SB1448: peace officers immunity; Martin et al: grants additional immunity protection to police and fire fighters if act in good faith within scope of employment and not willful, wanton or grossly negligent misconduct.
- SB1457: death penalty; minors; Aguirre, Hartley et al: prohibits the death penalty for a person who committed the crime while a minor.
- SB1465: social security numbers; job application; Bennett: prohibits requiring social security number on job application.
- SB1469: mental health patients; notice of release; Peterson: If a stalker is sent to a mental health provider for outpatient treatment and does not show up for 30 days, the provider shall notify the state hospital or medical director of the treatment center that they have lost contact.
- SCR 1010: veto; time limitations; Gnant: This bill changes the Governor's signature authority from 10 days to 15 days while the legislature is still in session and from 20 days to 30 days following sine die. It also stipulates that the Legislature can reconsider a vetoed bill by calling itself into special session within 30 days of the bill being transmitted to the Secretary of State.
- HB2049: sentencing options; first offense; Poelstra: Allows a first time felony offender to be placed on probation if the court finds both that there is one or more mitigating factors and the lesser sentence would be in the best interest of the state, the offender, and all other interested parties.
- HB2053: school pupils, parental involvement; Laughter, Anderson: Prohibits a school from requesting or compelling a student to divulge personal or family information or information about religious or moral beliefs regardless of the mandatory child abuse reporting law. Parents can examine every document used in school and withdraw the student if they feel it is inappropriate. Only a person with a medical degree can provide psychiatric diagnoses or administer a clinical mental exam. Medications shall not be administered or transportation to a psychiatric or psychological treatment facility shall not be given without parental consent.
- HB2108: human cloning prohibition; Huppenthal, Knaperek, Anderson: Prohibits performing, attempting or participating in cloning in humans including any product from a cloned embryo. Does not prohibit research in non-human cloning.
- HB2117: sex education; sexually transmitted infections; Weason, Binder, Lopez L, Giffords: Requires medically accurate information based on the CDC; removes statement prohibiting a district from including homosexuality as neutral or positive.
- HB2129: budget stabilization fund; repeal; Gleason, Weiers, Blendu: Repeals the budget stabilization fund (rainy day fund).



Changes the consumer loss recovery fund to only pay for alternative fuels program.

- HB2145: Arizona works; evaluation: Anderson: Removes from the evaluation of Arizona Works by the JBLC information about the impact on recipients and the community, such as placement rates, community partnerships and federal compliance.
- HB2146: Arizona works; independent evaluation NOW: student financial aid pilot program: Anderson: It creates a student financial aid pilot program.
- HB2155: employees; family leave: Pickens, Foster, Landrum Taylor: An employer with more than 21 employees shall allow employees to take off for school conferences or related activities to a maximum of 16 hours in a calendar year.
- HB2157: misconduct involving weapons; children: Pickens, Foster: Makes it a crime to keep a firearm if a child obtains the firearm and uses it to injure another person. There are many exceptions such as when it was stolen, locked, disabled, in a firearm course, hunting, no child is expected in the area etc. If death results, it's a class 3 felony, if serious injury a class 4, and if physical injury a class 6.
- HB2168: CPS; criminal behavior; report: Johnson, Petersen: Mandates reporting by CPS workers of evidence of any crime found during their investigation. This could include immigration crimes.
- HB2169: child abandonment; neglect; definition: Johnson, Petersen: Reduces the definition of abandonment from six months to three months if a parent fails to maintain a normal parental relationship without just cause. Changes the requirement from "has made only minimal" efforts to "is not making normal" efforts. Increases the amount of harm to the child that will constitute neglect from "substantial risk of harm to the child's health or welfare" to "serious physical or emotional injury".
- HB2170: Foster Children's Bill of Rights: Johnson, Anderson, Petersen: Lists 17 rights relating to safety, health, care etc. Number 7 and 8 require the state to make every effort to return the child to the biological parents and maintain contact with the biological family. Number 9 states that if the child has been with a foster family more than a year, that family has first rights when adoption is possible.
- HB2171: removing child from foster home: Johnson, Pierce: Currently a child can be removed, without prior notice, from a foster home to protect the child from harm or risk of harm. This bill would require "physical" harm or risk of "physical" harm to remove the child without notice. Current law allows a child to be removed from a foster home, without prior notice, to be placed in a permanent placement, to reunite siblings, to place in a kinship foster home, in a least restrictive setting, or a therapeutic setting. This bill would require written notification and a procedure for dispute if the foster parent disagrees. The bill would not allow removal of the child from foster care based on licensing inquiries or CPS investigations until complete. If physical abuse is suspected, the foster parent may remove the accused abuser from the home instead of having the child removed until the investigation is complete.
- HB2172: foster parents; adoption process: Johnson, Petersen: If a child has been in the care of a foster family at least 6 months, parental rights are severed, and the foster family is certified to adopt, the juvenile court can grant the foster family legal custody without the written consent of DES.
- HB2173: CPS, voluntary placements NOW: family court plan; legislative review: Johnson, Petersen: It now relates to the Child Support Coordinating Council and the Domestic Relations Reform Study Subcommittee. It requires that the DRRSS submit a report on an Integrated Family Court by July 23, 2003.
- HB2194: children; discipline: Binder: adds to the definition of child abuse that reasonable physical restraint to control or calm a child whose actions might cause harm to self or others is not abuse.
- HB2217: abortion; fetal pain; notification: Brimhall, Pearce, Johnson, et al: Requires a physician to tell a woman seeking an abortion that the child (sic) will feel pain and should the child (sic) be anesthetized prior to the abortion procedure.
- HB2232: domestic violence shelter; confidential communication s/e privileged communications; definitions: Somers, Pickens, et al: Makes confidential the communication between a victim and an advocate. SB 1172 companion bill in Senate.
- HB2257: foster care training: Johnson: Requires foster care parents and child care providers to be trained regarding CPS policies. Would be a good vehicle to also require training in domestic violence, sexual assault and child abuse.
- HB2259: children in foster care, s/e: parenting plans: Johnson: The bill now requires that both parents must submit a parenting plan to the judge, and the parenting plan takes precedence over the best interest of the child. It also states that a parent that does not interfere with the child's relationship with the other parent will be given preference.
- HB2262: CPS; jury trial: Johnson, Pearce, Farnsworth, et al: Would allow jury trials in dependency cases upon request of a parent whose rights are being terminated.
- HB2272: service of process: Chase Sedillo: Makes it a crime under 13-2810 to "obstructs or hinders the service of legal process by a person who is authorized by law to serve legal process". Could be used against shelters if law enforcement believes a person is in shelter whom they are trying to serve.
- HB2294: health care insurance: Brimhall: Any insurer who offers coverage in one county must offer it in all of them.
- HB2301: domestic partnership; equity: Gullett, et al: Mandates that if a person dies without a will, their estate will go to their registered domestic partner.
- HB2302: death penalty, minors: Brotherton: prohibits death penalty for person under 18 at time of the offense.
- HB2308: employment discrimination; prohibition: Brotherton, et al: Prohibits discrimination based on gender, gender identity, or sexual orientation. Allow employers to require a reasonably consistent gender role presentation in the workplace and exempts religious organizations.

- HB2309: domestic partner registration: Cheuvront, et al: Creates domestic partnerships. Defines “domestic partner” and establishes recording and termination requirements.
- HB2318: employment; equal wages: Loredo, et al: Extends the state equal pay act from “sex” to “race”; establishes an equal pay study committee and fund..
- HB2320: lease termination; domestic violence: Loredo, et al: Allows a tenant to terminate a lease upon presentation of an injunction against harassment, order of protection, or conviction of a cotenant for a domestic violence crime.
- HB2321: welfare benefits; food stamp eligibility: Loredo, et al: Prohibits a person who has been convicted of a felony 4, 5, or 6 related to drugs to receive cash assistance or food stamps for two years unless they are in a drug rehab program. SB 1119: Hartley. Companion bill in Senate.
- HB2330: marriage; dissolution; annulment: Voss, Richardson: Allows the court to grant a divorce without distributing property, debts, custody, child support or spousal maintenance if the parties agree the marriage is broken and 180 days have passed.
- HB2331: credit cards; community property; exception: Voss, Richardson: Credit card debt is a community debt only if the card is in both names and both parties have signed the credit application.
- HB2340: judges personal information: Voss, Richardson: Gives judges additional protection. It was amended to add a mechanism for victims of domestic violence to apply to have all of their public records kept confidential (voter registration, DMV, treasury, etc.).
- HB2342: civil rights remedies: Voss, Richardson: Adds disability and familial status to the anti-discrimination laws survey requirements. Adds disability to voting rights. Adds religion and sex to public accommodations. Defines undue hardship. Expands disability rights beyond the recent Supreme Court narrow restriction. Adds age and disability discrimination to unlawful practices. Restricts medical examinations. Expands available remedies.
- HB2352: civil rights remedies: Voss, Richardson: Changes word “handicap” to “disability” in the civil rights statutes.
- HB2388: appropriations; domestic violence: Loredo, Lugo: Requests \$300,000 from TANF for emergency residential services and \$200,000 for legal programs for domestic violence victims.
- HB2409: comprehensive transaction privilege tax: Camarot, Loredo: This bill repeals tax exemptions to special interest groups.
- HB2430: officers’ bill of rights: Poelstra, Loredo: establishes an officer’s bill of rights for disciplinary investigations. The last section says that if a citizen alleges facts against an officer that are found by law enforcement to be completely without any factual basis or makes allegations with malicious intent, that person shall face criminal charges and possibly a civil suit by the officer. This could greatly discourage justified complaints by victims of crime and members of minority communities.
- HB2468: family court plan; report: Johnson, Anderson: Requires the existing Domestic Relations Reform Subcommittee and Child Support Enforcement Reform committee to come up with a statewide plan for an integrated family court by Oct 1, 2002.
- HB2472: domestic violence; jury trials: Pearce, et al: Increases availability of jury trials to a criminal action which could result in any jail time or suspension of civil rights (now must be more than a year). Strikes 13-2810, Interfering with Judicial Proceedings, as a domestic violence crime. Prohibits ex parte orders and requires a hearing on every Order of Protection. A police report can be used to verify reasonable cause. If the plaintiff knowingly violates any terms or conditions listed on the Order of Protection, the order shall apply to the Plaintiff and the plaintiff may be arrested and prosecuted for interfering with judicial proceedings and any other crimes that occurred.
- HB2486: permits to carry concealed weapons: Pearce: A person from another state where they can carry a concealed weapon without a permit can do so in Arizona if they meet certain qualifications, one of which is not be under indictment for or been convicted of any misdemeanor related to domestic violence in the U.S. or any other country.
- HB2515: Arizona works; program extension: Knaperek, Weiers, Anderson et al: Transfers Arizona Works to DES and extends it one year. Became SB 1037, which was signed by the Governor!
- HB2533: temporary order; family court advisors: Marsh: A temporary order can last no longer than a year. A report issued by a family court advisory pursuant to a court order is enforceable as a temporary order on signature of the court. A custodial parent who allows a noncustodial parent to pick up the child for visitation at a location that violates the terms of a visitation or parenting order is guilty of custodial interference.
- HB2534: welfare; married applicants; preferential treatment: Johnson: Requires preferential treatment for married applicants for benefits.
- HB2553: eviction prevention: Loredo, Lopez, et al: Establishes a housing trust fund for eviction prevention and emergency homeless services.
- HB2566: children; physical force; justification s/e same subject: Binder, Carruthers, et al: Allows parents to justify use of physical force in CPS Administrative Hearings.
- HB2580: sex offender probation study committee: Loredo et al: establishes a study committee. Amended onto SB 1202, which was signed by the Governor!
- HB2602: abortion informed consent: Foster et al: requires a 24 hour waiting period, various information to be given the woman including alternatives to abortion and the risks, that the father has to pay child support, the adoptive parents could pay, what medical assistance is available, requires her to sign that she received the information.

- HB2623: racial profiling: Landrum et al: prohibits racial profiling for routine investigations or in determining the scope of an investigation, establishes training, data collection, study committee, complaint procedures, allows a civil action for violations.
- HB2636: parenting plans: Johnson et al: If a parent relocates away and then back, the original plan continues in place without a court order.
- HB2661: Breast feeding: Lopez, Chase et al: Breast feeding is not indecent exposure, a person who is breast feeding is excused from jury duty, businesses with more than 5 employees shall provide a break for a breast feeding employee to express milk and shall try to make it somewhere other than a toilet stall.
- HB2663: hate crimes: Kraft, Poelstra et al: If the defendant is convicted of a misdemeanor hate crime (malice toward a person based on color, race, religion, nation origin, sexual orientation, gender or disability), they must serve the maximum sentence allowed.
- HB2675: CPS review committee: Hershberger, Anderson: Establishes a committee to study CPS.
- HB2682: gunshows; instant background checks: Gullet, Lored, Hershberger, Foster: requires instant background checks at gun shows (See SB 1128).
- HB2701: CPS public information: Knaperek et al: Opens termination of parental rights and dependency hearings to public; judge may exclude if detrimental to child's best interest. CPS, court or other records are open to public inspection unless court finds that it would endanger the victim or family.
- HB2704: social security numbers; confidentiality: Giffords: prohibits releasing social security card numbers to the public or on public documents or over the internet without incryption.
- HB2705: sheriff's office web sites; jail cam: Giffords et al: jail security videos shall be used by jail personnel only and not provided to commercial web sites as Arpaio has done.
- HCR 2010: state budget limits: Brimhall, Pearce, Johnson, Anderson: Referendum to the people to tie budget increases to population growth.
- HCR 2011: constitutional convention: Brimhall, Johnson: rescinding the call for a constitutional convention.
- HCR 2013: Lieutenant governor s/e probation; drug crimes: Allen: Establishes a Lieutenant governor. Striker adds drug paraphernalia as a crime of possession. Also, says that probation may be revoked if you do not enroll in a drug treatment program.
- HCR 2016: collective bargaining: Miranda: adds right to collective bargaining to Arizona constitution.
- HCR 2020: tax expenditure; supermajority: Camarot, Lored, et al: Any law that results in a net revenue decrease, including tax exemptions, would require a two-thirds vote of both Houses.
- HCR 2021: strike everything amendment: Camarot, Lored, et al: Requires that a strike everything amendment be germane to the original subject and must be offered in the house of origin of the bill.
- HCR 2023: corporation commission: Poelstra, et al: Creates 5 districts, one per commissioner, increasing from 3 statewide now.
- HCR 2025: judicial appointments: Pearce, Johnson, Brimhall: Removes the power of the State Bar to nominate judges to the appellate court and changes to having the governor nominate and the Senate approve.
- HCR 2027: taxpayers bill of rights, Pierce, Farnsworth et al: Limits state annual budget increases to the increase in population and cost of living, if revenues exceed appropriations, a tax refund shall be sent to those who paid, overrides must be voted on at a regular statewide election and can only be for a year.
- HCR 2031: term limits: Brimhall: It repeals term limits for Representatives and Senators. It requires the Secretary of State to submit this proposition to the voters at the next general election.
- HCR 2032: state budget limits, Marsh, Johnson: limits state expenditures to population growth plus price deflator, refunds shall be paid to tax payers if all monies are not expended.